

Notice of Allowability

Application No.

10/620,522

Examiner

Darren W. Ark

Applicant(s)

STALLINGS, JIMMIE L.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephone Interview on 1/21/05.
2. ☒ The allowed claim(s) is/are 1, 14, 15 and 17.
3. ☒ The drawings filed on 16 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DARREN W. ARK
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Allen F. Bennett on Friday, January 21, 2005.

The application has been amended as follows:

Claim 1. An environmentally friendly insect eradication method, the method comprising the steps of:

providing a canister, said canister having a pressurized, non-flammable, non-biocidal, non-ozone depleting fluorocarbon propellant disposed therein, the ~~so-disposed~~ pressurized propellant causing the canister to have a pre-voided internal pressure within the approximate range of from about 75 psig to about 150 psig, wherein said pressure is sufficient to introduce essentially all of said propellant into ~~the~~ an internal portion of a bore in a tree or other invaded structure via an entrance or exiting insect bore such that the air pressure in the internal portion of the tree or other invaded structure substantially increases; ~~and~~

inserting a gas introduction nozzle provided with said canister into ~~the a tree or other invaded structure via an entrance or exiting insect bore~~ in the tree; in such a manner to

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~~displacing operatively displace~~ a valve mechanism connecting the nozzle and the canister ~~to cause~~ such that it causes said propellant to enter the internal portion of a ~~tree or other invaded structure~~ entrance or exiting bore such that the air pressure within the internal portion of the ~~tree or other invaded structure~~ bore substantially increases; and ~~thereby crushes or otherwise displaces~~

crushing and displacing an invasive insect accommodated therein said bore by the force of the substantially increased air pressure within the internal portion of the bore.

Claim 14. An environmentally friendly insect eradication method ~~and apparatus~~, said method comprising:

providing a canister, said canister having a pressurized gas propellant disposed therein, wherein said pressure is sufficient to introduce essentially all of said gas propellant into ~~the~~ an internal portion of an insect bore in a tree ~~or other invaded structure~~ via an entrance to the insect bore such that the air pressure in the internal portion of the insect bore substantially increases; ~~above ambient air pressure such that the air pressure within the internal portion of the insect bore substantially increases and~~ inserting a gas introduction nozzle provided with said canister into the bore in the tree;

displacing a valve mechanism connecting the nozzle and the canister such that it causes said propellant to enter the bore such that the air pressure within the bore substantially increases;

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~~crushing and displacing thereby crushes or otherwise displaces~~ an invasive insect restively accommodated therein the bore by the force of the substantially increased air pressure within the internal portion of the insect bore; and wherein the gas propellant has no biocidal properties.

Claim 15, line 2, replaced ",", at the end of the line with --.--.

Canceled claims 16 and 18.

2. The following is an examiner's statement of reasons for allowance:

In regard to claim 1, the prior art of record does not disclose an environmentally friendly insect eradication method comprising inserting a gas introduction nozzle provided with the canister into the bore in the tree, displacing a valve mechanism connecting the nozzle and the canister such that it causes the propellant to enter the entrance or exiting bore such that the air pressure within the internal portion of the bore substantially increases, and crushing and displacing an invasive insect accommodated therein the bore by the force of the substantially increased air pressure within the internal portion of the bore.

In regard to claim 14, the prior art of record does not disclose an environmentally friendly insect eradication method comprising inserting a gas introduction nozzle provided with the canister into the bore in the tree, displacing a valve mechanism connecting the nozzle and the canister such that it causes the propellant to enter the bore such that the air pressure within the bore substantially increases, and crushing and

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displacing an invasive insect restively accommodated therein the bore by the force of the substantially increased air pressure within the internal portion of the insect bore.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Darren W. Ark
Primary Examiner
Art Unit 3643

DWA